

REMARKS

The following claims, 128-136, 138-141, 145-153, 155-158, 162-168 and 172-174, are pending in the application. The Applicants respond with the following remarks.

This application was filed February 3, 1998. The application was restricted in an Office Action mailed on June 4, 2002. The Applicants elected in response thereto. There were 3 more Office Actions in the intervening years. In the intervening Office Actions, subject matter was indicated as being allowable. In response thereto, the Applicants amended the claims in an attempt to advance prosecution. In the current Office Action, to which this paper responds, the allowable subject matter has been withdrawn and the claims are being restricted again.

The Applicants request a telephone interview with the Examiner and the Examiner's supervisor at the earliest possible convenience to attempt to advance the prosecution in the instant application and determine the instant state of prosecution in the application.

The Applicants assert that the application has been restricted before (see Office Action dated June 4, 2002) and therefore does not require further restriction. Moreover, MPEP section 803 states "if the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it contains claims to independent or distinct inventions".

Further, all of the existing claims, according to the instant Office Action, are directed to class 381, and therefore no burden on the Examiner exists. Further, the Applicants assert that no burden on the Examiner exists because the Examiner performed (or had performed) at least three subsequent searches during the intervening years of prosecution of the instant application, and

has issued three office actions on the merits on the existing claims subsequent to the first restriction (and prior to the current restriction).

Furthermore, the Examiner has withdrawn subject matter considered to be allowable by the Examiner in a previous Office Action, yet has not issued a substantive rejection on those or any other claims. A restriction requirement at this late stage of the prosecution is simply not proper. The Applicants arguments and amendments presented in the previous Office Action response have apparently been disregarded and neglected because the instant Office action is silent regarding them.

The Applicants traverse the restriction for the reasons set forth above. The Applicants will discuss the restriction, the allowable subject matter, and the overall direction of the prosecution of the instant application in the Interview with the Examiner and the Examiner's supervisor.

The Applicants provisionally elect, **with traverse** (emphasis added), Invention I, claims 128-136 and 138-141, and species I (Figure 3) in response to the restriction requirement. The Applicants request that the Interview take place, however, prior to further Office Action in the application, wherein agreement may be reached to advance prosecution in the application.

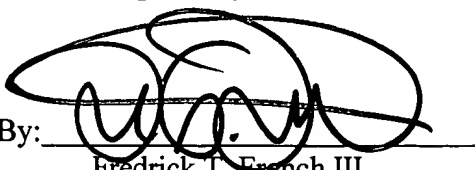
Based on at least the foregoing remarks, the Applicants believe that all of the pending claims are in condition for allowance. Should the Examiner disagree or have any questions regarding this submission, the Applicants invite the Examiner to telephone the undersigned at (312) 775-8000.

Please call Applicants' Agent Freddie French at 312-775-8093 to arrange the Telephone Interview as soon as possible.

A Notice of Allowability is courteously solicited.

Respectfully submitted,

Dated: July 2, 2004

By: 
Fredrick T. French III
Reg. No. 52,524

McAndrews, Held & Malloy, Ltd.
500 West Madison Street - Ste. 3400
Chicago, Illinois 60661
(312) 775-8000